

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4152 of 2005

Between:

Bachina Bushaiah S/o.Kotaiah
R/o.Kavli Yadavali Village, A.S.Peta Mandal, Nellore District.

... PETITIONER

AND

- 1 The District Collector, Nellore, Nellore District.
- 2 The Revenue Divisional Officer, Kavali, Nellore District.
- 3 The Mandal Revenue Officer A.S.Peta Village and Mandal, Nellore District.
- 4 Polturi Subrahmanyam S/o.Not known,
R/o.Kavali Yadavalli Village, A.S.Peta Mandal Nellore District.
- 5 Chevuru Polaiah S/o.Not known,
R/o.Kavali Yadavalli Village, A.S.Peta Mandal Nellore District.
- 6 Chelamcherla Ramanaiah S/o.Not known,
R/o.Kavali Yadavalli Village, A.S.Peta Mandal Nellore District.
- 7 Valphapuram Rangaiah S/o.Not known,
R/o.Kavali Yadavalli Village, A.S.Peta Mandal Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Certiorari declaring the action of the 3rd respondent in dispossessing the petitioner from the land to an extent of Ac 4.94 cents in Sy.No.142/1 of Kavali Yadavalli Village of A.S.Peta Mandal, Nellore District without conducting enquiry and without giving any notice is arbitrary, unreasonable and accordingly quash the impugned order of the 3rd respondent in Rc.B.No.364/2004 dt.9.9.2004 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners land to an extent of Ac 4.94 cents in Sy.No.142/1 of Kavali Yadaalli Village of A.S.Peta Mandal, Nellore District.

Counsel for the Petitioner: MR.G.TUHIN KUMAR

Counsel for the Respondent Nos.1 to 3 : GP FOR REVENUE

The Court at the stage of admission made the following:

-
-
-

ORDER:

This writ petition is filed aggrieved by the order passed by the third respondent-Mandal Revenue Officer, dated 09-09-2004 passed under the provisions of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977, thereby resuming the land to an extent of Ac.4.94 cents in Sy.No.142/1 of Kavali Yadavalli Village of A.S.Peta Mandal, Nellore District, to the Government.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

Against the order dated 09-09-2004 passed by the third respondent, an alternative efficacious remedy of appeal is available under the Act. Without exhausting such remedy, the petitioner cannot maintain this writ petition.

In the facts and circumstances, without going into the merits of the case, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to work out the remedy of appeal before the second respondent, Revenue Divisional Officer.

If any such appeal is preferred by the petitioner within 2 weeks from today, the second respondent, Revenue Divisional Officer is directed to consider the same and pass appropriate orders, in accordance with law as expeditiously as possible preferably within a period of two months thereafter. Till such time, *status quo* obtaining as on today as to the nature and possession of the land in question shall be maintained.

The writ petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 03-03-2005

LSK

To

- 1 The District Collector, Nellore, Nellore District.
- 2 The Revenue Divisional Officer, Kavali, Nellore District.
- 3 The Mandal Revenue Officer A.S.Peta Village and Mandal, Nellore District.
- 4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad, (O.U.T.)

5 Two C.D. copies.